

**MONDAY, JULY 1, 2002**

**NINETY-NINTH LEGISLATIVE DAY**

The House met at 10:00 a.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Representative John DeBerry.

Representative John DeBerry led the House in the Pledge of Allegiance to the Flag.

**ROLL CALL**

The roll call was taken with the following results:

Present.....95

Representatives present were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

**EXCUSED**

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Cooper; illness.

Representative Rhinehart; illness.

**RECESS MOTION**

On motion of Rep. Davidson, the House stood in recess until 4:30 p.m.

**DELAYED BILLS REFERRED**

Pursuant to **Rule No. 77**, having been prefiled for introduction, House Bill(s) No(s). 3302 and 3303, was/were referred to the Delayed Bills Committee.

**\*House Bill No. 3302** -- Taxes - Establishes uniform sales tax rate of 8.75 percent; increases taxes on tobacco and alcohol products; enacts consolidated filing provisions for excise taxes; makes other various revisions relative to taxes, fees, and other revenues. Amends TCA Title 3; Title 4; Title 5; Title 6; Title 7; Title 8; Title 9; Title 12; Title 16; Title 30; Title 36; Title 39; Title 40; Title 45; Title 47; Title 48; Title 55; Title 56; Title 57; Title 61; Title 62; Title 67; Title 68; Title 69; Title 70 and Title 71 relative to taxes, fees, and other revenues. by \*Kisber.

**\*House Bill No. 3303** -- Appropriations - Makes appropriations for purpose of defraying expenses of state government for fiscal years beginning July 1, 2001 and July 1, 2002. by \*Kisber.

**REPORT OF DELAYED BILLS COMMITTEE**  
**July 1, 2002**

Pursuant to **Rule No. 77**, we the undersigned members of the Delayed Bills Committee have approved the following bill(s) to be introduced: House Bill(s) No(s). 3302 and 3303.

Jimmy Naifeh, Speaker  
Gene Davidson  
Steve McDaniel

**RECESS EXPIRED**

The recess having expired, the House was called to order by Mr. Speaker Naifeh.

**ROLL CALL DISPENSED WITH**

On motion of Rep. Davidson, the roll call was dispensed with.

**INTRODUCTION OF BILLS**

On motion, the following bills were introduced and passed first consideration:

**\*House Bill No. 3302** -- Taxes - Establishes uniform sales tax rate of 8.75 percent; increases taxes on tobacco and alcohol products; enacts consolidated filing provisions for excise taxes; makes other various revisions relative to taxes, fees, and other revenues. Amends TCA Title 3; Title 4; Title 5; Title 6; Title 7; Title 8; Title 9; Title 12; Title 16; Title 30; Title 36; Title 39; Title 40; Title 45; Title 47; Title 48; Title 55; Title 56; Title 57; Title 61; Title 62; Title 67; Title 68; Title 69; Title 70 and Title 71 relative to taxes, fees, and other revenues. by \*Kisber.

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**\*House Bill No. 3303** -- Appropriations - Makes appropriations for purpose of defraying expenses of state government for fiscal years beginning July 1, 2001 and July 1, 2002. by \*Kisber.

### SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

**\*Senate Bill No. 3165** -- Appropriations - Makes appropriations for fiscal years beginning July 1, 2001 and July 1, 2002. by \*Henry, \*Atchley. (HB3212 by \*McDaniel, \*Kisber)

**\*Senate Bill No. 3167** -- Appropriations - Authorizes index of appropriations from state tax revenues for fiscal year 2002-2003 to exceed index of estimated growth of state's economy by \$1,065,000,000 or 12.58 percent. Amends TCA Title 9, Chapter 4, Part 52. by \*Henry, \*Atchley. (HB3214 by \*McDaniel, \*Kisber)

### MESSAGE CALENDAR

#### HOUSE ACTION ON SENATE MESSAGE

**\*Senate Bill No. 2412** -- Planning, Public - Requires planning commissioners, professional planners, planning commission members, board of zoning appeals members, building commissioners, and other officials who advise planning commission or board of zoning appeals to attend training and continuing education. Amends TCA Title 13, Chapter 3; Title 13, Chapter 4 and Title 13, Chapter 7. by \*Norris. (HB2434 by \*Todd)

Rep. Todd moved that the House refuse to recede from its action in adopting Amendment(s) No(s). 3 to **Senate Bill No. 2412**, which motion prevailed.

#### HOUSE ACTION ON SENATE MESSAGE

**\*Senate Bill No. 2599** -- Flags - Requires public school students to recite pledge of allegiance daily, unless student or parent objects to student's participation on religious, philosophical, or other grounds; establishes requirements for participation and non-participation on such exercise. Amends TCA Title 49, Chapter 6. by \*Crowe, \*McNally, \*Burks, \*Graves, \*Carter, \*Trail, \*Dixon, \*Atchley, \*Crutchfield, \*Burchett, \*Norris, \*Blackburn, \*Person, \*Davis L, \*Jackson. (HB2549 by \*Davis (Washington), \*Godsey, \*Mumpower, \*Goins, \*Beavers, \*Kernell, \*Dunn, \*Rowland, \*Todd, \*Baird, \*Hargett, \*Buttry, \*Montgomery, \*Black, \*Pleasant)

#### CONFERENCE COMMITTEE REPORT ON SENATE BILL NO. 2599

The House and Senate Conference Committee appointed pursuant to motions to resolve the differences between the two houses on Senate Bill No. 2599 (House Bill No. 2459) has met and recommends that the following amendment be deleted: House Amendment No. 3 (HA1107).

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The Committee further recommends that the following amendments be adopted: House Amendment No. 2 (HA1106) and Senate Amendment No. 1 (SA 0912).

/s/	Senator Rusty Crowe	Representative David Davis
	Senator Ward Crutchfield	Representative Les Winningham
	Senator Charlotte Burks	Representative Johnny Shaw
		Representative Mark Maddox
		Representative Ronnie Davis

Rep. Davis (Washington) moved that the Report of the Conference Committee on **Senate Bill No. 2599** be adopted and made the action of the House, which motion prevailed by the following vote:

Ayes .....	91
Noes .....	1

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Davidson), Vincent, Walker, West, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 91.

Representatives voting no were: Turner (Shelby) -- 1.

A motion to reconsider was tabled.

### HOUSE ACTION ON SENATE MESSAGE

**\*House Bill No. 2286** -- TennCare - Requires comptroller's annual actuarial study to address provider reimbursement rates issues. Amends TCA Title 71, Chapter 5. by \*Kisber, \*Maddox, \*Bone, \*Buck, \*White, \*McMillan, \*Sands, \*Lewis, \*Naifeh, \*Fitzhugh, \*Winningham, \*Hood, \*Bowers, \*Armstrong, \*Caldwell, \*Vincent, \*Sharp, \*Bittle, \*Turner (Hamilton), \*Ridgeway, \*Shepard, \*Pinion, \*Montgomery, \*Wood, \*Buttry, \*Hagood, \*Sargent, \*McDonald, \*Newton, \*Shaw, \*Curtiss, \*Phelan, \*Fowlkes, \*Tindell, \*Fraley, \*Patton, \*Ford S. (SB2624 by \*Cooper J, \*Haun)

Further consideration of House Bill No. 2286 previously considered on June 30, 2002, at which time it was reset for today's Message Calendar.

### BILL HELD ON DESK

Rep. Kisber moved that House Bill No. 2286 be held on the Clerk's desk, which motion prevailed.

**HOUSE ACTION ON SENATE MESSAGE**

**\*House Bill No. 2789** -- Budget Procedures - Requires comparison of projected state tax revenue and proposed expenditure of state tax revenue to be included in budget proposal, as well as 10-year historical data on state tax revenue and expenditures. Amends TCA Title 4, Chapter 3 and Title 9, Chapter 4, by \*Fitzhugh, \*McMillan, \*Naifeh, \*DeBerry L, \*Scroggs, \*McDaniel, \*White, \*Maddox, \*Sands, \*Bone, \*Briley, \*Lewis, \*Kisber, \*Hood, \*Shepard, \*Bowers, \*Brooks, \*Kent, \*Newton, \*Brown, \*Pinion, \*Head, \*Bittle, \*Wood, \*Givens, \*Cole (Carter), \*Chumney, \*Curtiss, \*Phelan, \*Fowlkes, \*Vincent, \*Montgomery, \*Hagood, \*Turner (Hamilton), \*Ridgeway, \*Todd, \*Hargett, \*Pleasant, \*Sharp, \*Jones U (Shelby), \*Dunn, \*Buttry, \*Sargent, \*Davis (Washington), \*Black, \*Beavers, \*Stanley, \*Rowland, \*Bunch, \*Goins, \*Tindell, \*Fraleigh, \*Walker, \*Pruitt, \*Jones, S.. (SB2919 by \*Clabough, \*Haun, \*Crowe, \*Person, \*Carter)

Rep. Fitzhugh moved that the House refuse to recede from its action in nonconcurring in Senate Amendment(s) No(s). 1 and 2 to **House Bill No. 2789**, which motion prevailed.

**CONFERENCE COMMITTEE APPOINTED  
ON HOUSE BILL NO. 2789**

Pursuant to **Rule No. 73**, Representative Fitzhugh moved that the Speaker appoint a Committee of the House to meet with a like Committee of the Senate to resolve the differences between the two bodies on House Bill No. 2789, which motion prevailed.

The Speaker appointed Representatives Fitzhugh, Scroggs, McMillan, Kisber and Sharp as the House members of the Conference Committee on House Bill No. 2789.

**HOUSE ACTION ON SENATE MESSAGE**

**\*Senate Bill No. 1303** -- Motor Vehicles, Titling and Registration - Authorizes issuance of I Love TDOT cultural license plates. Amends TCA Title 54 and Title 55, by \*Haun, \*Herron, \*Cohen. (HB1893 by \*Head, \*Patton, \*Langster, \*McDaniel, \*Brown)

Rep. Head moved that the House refuse to recede from its action in adopting Amendment(s) No(s). 2, 3 and 4 to **Senate Bill No. 1303**, which motion prevailed.

**CONFERENCE COMMITTEE APPOINTED  
ON SENATE BILL NO. 1303**

Pursuant to **Rule No. 73**, Representative Head moved that the Speaker appoint a Committee of the House to meet with a like Committee of the Senate to resolve the differences between the two bodies on Senate Bill No. 1303, which motion prevailed.

The Speaker appointed Representatives Head, Ridgeway and White as the House members of the Conference Committee on Senate Bill No. 1303.

**HOUSE ACTION ON SENATE MESSAGE**

**\*House Bill No. 2840** -- Real Estate Agents and Brokers - Exempts vacation lodging services from requirement of placing funds derived from rental of their properties in escrow or trustee accounts and amends other provisions related to vacation lodging. Amends TCA Title 62, Chapter 13; Title 67, Chapter 4, Part 7; Title 67, Chapter 5, Part 9 and Title 67, Chapter 6, by \*Cole (Dyer). (SB2918 by \*Clabough)

**BILL RE-REFERRED**

Rep. Cole (Dyer) moved that House Bill No. 2840 be re-referred to the House Committee on Calendar and Rules, which motion prevailed.

**HOUSE ACTION ON SENATE MESSAGE**

**Senate Bill No. 3139** -- Safety, Dept. of - Requires department to review driver license application and examination provisions in view of increased homeland security and report findings and recommendations to transportation committees. Amends TCA Title 55, Chapter 50, Part 3, by \*Herron, \*Trail. (\*HB3186 by \*Maddox, \*Odom, \*Shepard, \*Turner (Davidson), \*Jones, S., \*Cole (Dyer), \*Harwell, \*Hood, \*Bowers)

**BILL HELD ON DESK**

Rep. Maddox moved that Senate Bill No. 3139 be held on the Clerk's desk, which motion prevailed.

**MESSAGE FROM THE SENATE**

**July 1, 2002**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 848 and 1139; signed by the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk.

**MESSAGE FROM THE SENATE**

**July 1, 2002**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 1192; concurred in by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

**MESSAGE FROM THE GOVERNOR**

**July 1, 2002**

MR. SPEAKER: I am directed by the Governor to return herewith: House Joint Resolution(s) No(s). 1091, 1167, 1168, 1170, 1171 and 1173, with his approval.

JAY BALLARD, Counsel to the Governor.

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**ENROLLED BILLS**

**July 1, 2002**

The following bill(s) have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bill(s) No(s). 1838, 2476, 3159; also, House Joint Resolution(s) No(s). 1192.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**SIGNED**

**July 1, 2002**

The Speaker signed the following: House Bill(s) No(s). 1838, 2476, 3159; also, House Joint Resolution(s) No(s). 1192.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**July 1, 2002**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1838, 2476, 3159; also, House Joint Resolution(s) No(s). 1192; signed by the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk.

**RECESS MOTION**

On motion of Rep. Davidson, the House stood in recess until 9:00 a.m., Tuesday, July 2, 2002.